

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OLYMPIA LEVINSON STIEGELE,

Plaintiff,

v.

Case No. 05-10677 (MLW)

BERNARD C. BAILEY, PAUL T. PRINCIPATO,
PETER NESSEN, THOMAS J. REILLY, DENIS
K. BERUBE, BUDDY G. BECK, CHARLES E.
LEVINE, WILLIAM K. AULET, MARCEL YON
and HARRIET MOUCHLEY-WEISS,

Defendants,

v.

VIISAGE TECHNOLOGY, INC.,

Nominal Defendant.

**DEFENDANTS' ASSENTED-TO MOTION TO ENLARGE TIME
TO RESPOND TO PLAINTIFF'S AMENDED COMPLAINT**

Defendants,¹ pursuant to Fed. R. Civ. P. 6(b), move to enlarge the time to answer, move to dismiss, or to otherwise respond to plaintiff's Amended Complaint to and including September 15, 2006. In support of their Motion, defendants state:

1. Plaintiff commenced this derivative action on April 5, 2005.
2. Defendants moved to dismiss plaintiff's Complaint. Briefing on defendants' motion was complete on April 26, 2006.

¹ Defendants are Bernard C. Bailey, Paul T. Principato, Peter Nessen, Thomas J. Reilly, Denis K. Berube, B. G. Beck, Charles E. Levine, William K. Aulet, Marcel Yon, and Harriet Mouchley-Weiss.

3. While defendants' motion to dismiss was pending, plaintiff, on July 27, 2006, filed an Amended Complaint.

4. Defendants' response to the Amended Complaint otherwise would be due on August 10, 2006 pursuant to Fed. R. Civ. P. 15(a).

5. Defendants' counsel has personal and other professional commitments which prevent them from responding to plaintiff's 82-page Amended Complaint before the deadline for doing so and for that reason request additional time.

6. Plaintiff has assented to an enlargement of time until September 15, 2006 for defendants' response.

7. The requested enlargement will not affect any other current deadlines set by the Court in this case.

WHEREFORE, defendants respectfully request that the time for responding to plaintiff's Amended Complaint be enlarged to and including September 15, 2006.

BERNARD C. BAILEY, PAUL T.
PRINCIPATO, PETER NESSEN, THOMAS J.
REILLY, DENIS K. BERUBE, BUDDY G.
BECK, CHARLES E. LEVINE, WILLIAM K.
AULET, MARCEL YON, HARRIET
MOUCHLEY-WEISS, and VIISAGE
TECHNOLOGY, INC.

By its attorneys,

/s/ John R. Baraniak, Jr.

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Dated: August 9, 2006

Assented-to:

OLYMPIA LEVINSON STIEGELE,

By her Attorneys,

/s/ William B. Federman

William B. Federman
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CERTIFICATE OF SERVICE

I, John R. Baraniak, Jr., hereby certify that on August 9, 2006, I electronically transmitted the attached document to the Clerk of the Court and counsel for plaintiff:

William B. Federman
FEDERMAN & SHERWOOD
120 N. Robinson, Suite 2720
Oklahoma City, OK 73102

and

Alan L. Kovacs
LAW OFFICE OF ALAN L. KOVACS
2001 Beacon Street, Suite 106
Boston, MA 02135

/s/ John R. Baraniak, Jr.

John R. Baraniak, Jr.

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